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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,835

Applicant(s)

IKENO, ATSUSHI

Examiner

David Faber

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15-17, and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 15-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on 30 October 2007.
2. Claims 1, 12, and 20-21 have been amended.
3. The rejection of Claims 10, and 16 under 35 U.S.C. 102(b) as being anticipated by Yanase et al (US PGPub 2001/0025288, published 10/27/2001) has been withdrawn as necessitated by the persuasiveness of the Applicant's arguments.
4. Claims 1-4, 6-13, 15-17, and 19-21 are pending. Claims 1, 12, and 19-21 are independent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4, 6, 8, 12-13, and 19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per independent Claim 1, Yanase et al discloses:

- Computer readable medium (Paragraph 0026)
- division pattern storing means for storing therein one or plural division patterns defining a predetermined character string said character string being

represented in a division line; document dividing means for applying the one or plural division patterns stored in the division pattern storing means to the inputted electronic document which does not have predetermined structure information to divide the electronic document to plural partial documents. (FIG 7-8; Paragraph 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating. (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. FIG. 8 shows the result of the method disclosure in Paragraph 0084. Furthermore, Yanase does not disclose that say the news contains structural information that the text in the document must appear in a certain order or position, discloses code in the document that when rendered the paragraphs must be aligned into a certain position nor includes information that a certain text is set to appear at the top or bottom the inputted document. Therefore it does not include structural information)

- labeling pattern storing means for storing therein plural labeling patterns provided with classification information pieces said classification information

pieces defining a predetermined character string which specifies classification of a respective partial document; and labeling means for applying the labeling patterns stored in the labeling pattern storing means to respective partial documents obtained by the division conducted by the document dividing means, respectively, to provide the classification information pieces. (FIG 7-8; Paragraph 0081-0084: Discloses other predetermined rules that determine, separate, and label the title of the article, text of the article and other information into a data structure. (Paragraphs 0079-0083, 0087) As stated in Paragraph 0084, predetermined character strings such as space lines specify a partial aspect of the document if it's a title or text of that article. For example, a section separated from an subsequent section with only one line (one predetermined character string) is regarded as the title of the article and a section separated from a subsequent section with a plurality of lines (another predetermined character string) is regarded as the text of the article. Thus, FIG 8 shows the result of labeling the title and text of the article based on the classification of the predetermined character strings in the document. FIG 10 discloses other information retained, labeling the information retained from the document format analysis, and stored in a data structure shown in FIG. 6, and described in Paragraph 0077.)

As per dependent Claim 2, Yanase et al discloses:

- wherein the division pattern storing means stores plural division patterns for an electronic document of one kind. (Paragraph 0084: Discloses multiple division patterns that determine patterns to separate articles of the document of one kind (i.e. email or magazine; Paragraph 0063) that is inputted.)

As per dependent Claim 4, Yanase et al discloses:

- wherein the division pattern storing means stores the one or more division patterns (a searching division pattern) so that, when discrimination has been made to the inputted electronic document, within a predetermined line from a line coincident with the division pattern (a searching division pattern), there is not a line coincident with another division pattern, the line coincident with the division pattern (a searching division pattern) is defined as the division line. (Paragraph 0084: An embodiment of a news information by electronic mail in which a document format analysis is performed according to the predetermined rules (Paragraph 0079-0083)) When lines of the same character code appear consecutively, and match a predetermined rule, the lines are regarded as separators, and thus division lines.)

As per dependent Claim 6, Yanase et al disclose:

- wherein the labeling pattern storing means stores plural labeling patterns for an electronic document of one kind. (Since Paragraph 0084 discloses multiple division patterns that not only determines separate articles, but also the main

body text and the title of each article. Once determining the division of the sections, the method is able to label an individual article, the text of the article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

As per dependent Claim 8, Yanase et al discloses:

- wherein the labeling pattern includes the same pattern as the division pattern. (Paragraph 0079-0084: Paragraphs 0079-0083 disclose an example of predetermined rules that is determines the separation of multiple articles from each other, and able to locate the title, main text, and links. Not only the process is able to locate each of these components, these rules are also used for labeling the component explained in Paragraph 0084 and shown in Figures 8 and 10.)

As per independent Claim 12, Shimada et al discloses a method:

- a document dividing step of applying one or plural division patterns defining a predetermined character string said character string being expressed in a division line to the electronic document inputted to divide the electronic document to plural partial documents and a labeling step of applying labeling patterns provided with classification information pieces said classification information pieces defining a predetermined character string which specifies classification to the respective partial documents obtained by the division

conducted in classification to the respective partial documents obtained by the division conducted in the document dividing step by providing the classification information pieces to the respective partial documents. (FIG 7-8; Paragraphs 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating. (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. As stated in Paragraph 0084, predetermined character strings such as space lines specify a partial aspect of the document if it's a title or text of that article. For example, a section separated from an subsequent section with only one line (one predetermined character string) is regarded as the title of the article and a section separated from a subsequent section with a plurality of lines (another predetermined character string) is regarded as the text of the article. Thus, FIG 8 and 10 shows the result of labeling the title and text of the article based on the classification of the predetermined character strings in the document.)

As per dependent Claim 13, Claim 13 recites similar limitations as in Claim 4 and is similarly rejected under Yanase et al.

As per dependent Claim 19, Yanase et al disclose:

- A computer readable medium in which the information partitioning program according to claim 12 has been recorded. (Paragraph 0128: Discloses various storage medium used for recording)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per dependent Claim 3, Yanase et al discloses the separating of news articles in an electronic mail format (Paragraph 0084), but fails to specifically disclose the division pattern is be applied regardless of the kind of an electronic document. However, in Paragraph 0076, Yanase et al discloses that the conversion of extracting text from an article in printed matter into an electronic document with the use of OCR. In addition, Yanase et al discloses document format is assumed during the document format analysis (The separating of multiple articles from each other. Example disclosed in Paragraph 0084), format conversion to the specific document format can be included

and executed. It was well-known to one of ordinary skill at the time of applicant's invention that an electronic document, in an Adobe PDF, containing news articles could be attracted by an OCR to be converted into a document form understandable by Yanase et al's method enabling Yanase et al's document format analysis performed to separated articles from each other using line separators, and be able to determine the title and text of the article, and labeling the title and text of the article shown in FIG 8.
(Paragraph 0084)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with the disclosure above since it would have provided the benefit of allowing any type of document, electronic or printed, to have extracted useful news information to the user without accessing a specific source each time.

As per dependent Claim 7, Claim 7 recites similar limitations as in Claim 3 and is rejected under rationale. Furthermore, Yanase et al's method not only is able to separate articles using character-coded line separators and able to determine the title and text of the article, but it is able label the title and text of the article shown in FIG 8 (Paragraph 0084) applied to any inputted electronic document recognized through the process disclosed in Claim 3.

9. Claims 9, 11, 15, 17, 20 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001) in further view of Kobayashi et al (US PGPub 2003/0007397, filed 5/10/2002).

As per dependent Claim 9, Yanase et al discloses their method is able to determine the inputted document is either electronic mail (electronic document) or printed matter, (paper document)), thus able manage different kinds of documents inputted (Paragraph 0063, lines 7-11) and that the document format of news information is already determined. (Paragraph 0073, lines 5-8) However, Yanase fails to specifically disclose discriminate patterns for discriminating the kind of the electronic document inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, (document in HTML) XML format (document in XML) (Paragraph 0109), or an email message. (electronic mail document) (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 11, Yanase et al discloses receiving news by electronic mail, a plurality of articles that include a plurality of topics distributed at one time, but fails to specifically disclose that the electronic mail is a mail magazine. However, Kobayashi et al discloses an extended e-mail system of mail magazines that is capable of transmitting the same information to multiple destinations at once in which the email contains large amount of information being advertisements and bodies of text.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would have made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within

As per dependent Claim 15, Yanase et al discloses a method:

- the document dividing step performs dividing to partial documents using the discriminated division patterns for document kind, and the labeling step provides the classification information pieces using the discriminated labeling patterns for the document kind. (Paragraph 0084: Discloses multiple division patterns that not only to determine and separate multiple articles from one another, but also the main body text and the title of each individual article. Once determining the division of the sections, the method is able to label an individual article, the text of the article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

However, Yanase et al fails to specifically disclose comprising a document kind discriminating step of discriminating the kind of the electronic document inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, XML format (Paragraph 0109), or an email message. (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would have made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 17, Claim 17 recites similar limitations as in Claim 11 and is similarly rejected under Yanase et al and Kobayashi et al.

As per independent claim 20, Claim 20 recites similar limitations as in Claim 1, and 9 combined and is similarly rejected under rationale.

As per independent claim 21, Claim 21 recites similar limitations as in Claim 9, and 15 combined and is similarly rejected under rationale.

10. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001) in further view of Luebbert (US Patent 5,530,794, published 6/25/1996)

As per dependent claim 10, Yanase et al fails to specifically disclose a division pattern producing means for recognizing existence of plural lines including similar character strings in similar positions in the electronic document inputted to produce the division pattern and register the same in the division pattern storing means. However, Luebbert discloses scanning text of a document searching for occurrence of repeating "possible page delimiters" or character strings to be recognized as a page delimiter or paragraph dividing character string. Once scanned, it uses the character string that

appears the most (highest frequency of occurrences) and uses that as the set page delimiter adding that string to the system for page division. Thus, Luebbert recognizes a plural of lines that contain similar character strings near end of a page that are set to be used as division lines for page division. (Column 9, lines 48-60)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Yanase et al's method with Luebbert's of determining page divisions by finding occurrences of similar strings since it would have provide the benefit of properly identifying the end of each paragraph to maintain the proper formatting related to text group by paragraphs.

As per dependent claim 16, Claim 16 recites similar limitations as in Claim 10 and is similar rejected under rationale.

Response to Arguments

10. Applicant's arguments filed 30 October 2007 have been fully considered but they are not persuasive.

11. On pages 8-9, in regards to the independent claims, the Applicant argues that Yanase et al fails to disclose the claimed "division pattern storing means" and the "document dividing means" for applying one or plural division patterns stored in the division pattern storing means to the inputted electronic document to divide the electronic document into plural partial documents since Applicant states "Yanase discloses a process of article division based on predetermined structure (i.e. line separators of characters) so that Yanase's predetermined rules have structure to

separate work such that Yanase only divides information pieces with structural information. Therefore, Yanase fails to teach the limitations that include "the inputted electronic document does not have predetermined structure information." However, the Examiner disagrees.

According to the Applicant's specification, it states the electronic document which does not have structure information but where punctuation for contents are described explicitly using surface information such as a symbol such that a person can recognize the contents. (Page 6, lines 1-4) Furthermore, Applicant's specification continues onto to disclose a string of symbols in a pattern are used for division within a document. (Page 7, lines 5-22; Page 9, lines 13-23)

Under further review of Yanase et al, Yanase follows a similar approach. Yanase discloses news information in an electronic mail that contain symbols that a person would be able to recognize the contents as shown in FIG 7 wherein a string of symbols used in a pattern are used to divide the document into a plurality of smaller document. Yanase does not disclose that say the news contains structural information that the text in the document must appear in a certain order or position. Furthermore, Applicant fails to disclose what type of structural information that is not presented in the original inputted document. Yanase does not disclose code in the document that when rendered the paragraphs must be aligned into a certain position nor includes information that a certain text is set to appear at the top or the bottom the inputted document.

Furthermore, the predetermined rules provided by Yanase are not predetermined structure information by which the Applicant assumes they are. These rules are

characters string made up of symbols in a pattern that appear throughout the original document so a user can identify in order to determine when to perform a division. These strings contain no structural information of how the original document is to appear when rendered. Yanase searches for character strings, however the strings are positioned in the electronic mail, throughout the electronic mail that match the predetermined rules, composed of character strings, and uses the strings to divide the mail into separate articles.

In addition, FIG 7 and Paragraph 0084 are mere examples illustrating the invention by which the Applicant assumes it "appears" it has structural by the way its presented. This is only discloses **ONE EXAMPLE** of the embodiments of all embodiments that may be used. Thus, the one embodiment disclosure does not apply or represent any other embodiment that may be used with Yanase regardless of the effects.

Therefore, Yanase et al discloses an invention that contains an electronic mail document inputted that does not contain structural document since the document uses "surface information" such as a plurality of symbols in a pattern used in a way that a person can recognize the contents. Yanase searches for these patterns in the original documents and determines if these patterns match the predetermined rules, and if so, apply to the rules that results into dividing the original document into smaller documents or articles.

Furthermore, Yanase discloses a process of article division of news information inputted via electronic mail (document) into individual articles (partial documents).

(Paragraph 0059, 0062) Furthermore, in FIG 7-8 and Paragraphs 0080, 0084, Yanase discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating.

(Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. Thus, the character lines separated a document containing many articles into partial documents wherein each article is its own partial document. Thus, Yanase discloses the claimed "division pattern storing means" and the "document dividing means"

12. On pages 9-12, in regards to Claims 3, 7, 9, 11, 15, 17, 20 and 21, Applicant argues that Yanase and Kobayashi fails to disclose the table that shows the discrimination pattern, division pattern or label pattern associated with a particular document kind nor the managing feature of the document kind discriminating means, or the tables for the division patterns and/or labeling enable the present invention to handle more complicated electronic documents, such as mail magazines and not just news information. However, the Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the table that shows the discrimination pattern, division pattern or label pattern associated with a particular document kind; tables for the division patterns and/or

labeling) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Yanase discloses separating articles of news information from an e-mail or magazines containing news information that was inputted wherein e-mails, magazines etc are viewed as documents. Thus, Yanase disclose breaking/separating portions of an electronic document of more than one type of document. (e.g. Abstract, 0011) Since Yanase is able to read the news information from an electronic mail format and a magazine format (printed matter), it knows the format of the document and how to manage different formats (electronic mail or printed matter) when separating the document as its being inputted or it wouldn't be able to function properly. However, Yanase fails to specifically disclose discriminate patterns for discriminating the kind of the electronic document inputted. A feature within Kobayashi et al enables the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, XML format (Paragraph 0109), or an email message. (Paragraph 0111). Kobayaski et al discloses a character-type determining unit that reads the inputted text stored in the document, and able to determine the markup language or the text format of the text. Since Kobayski is able to recognize the format through the character-type determining unit since the unit knows what tags are in the HTML or XML format or an email, it references to the discriminating patterns stored. Thus, Kobayaski

et al is able to read the "discriminating patterns" to determine the electronic document inputted. Therefore, Kobayaski et al cures the deficiencies of Yanase et al.

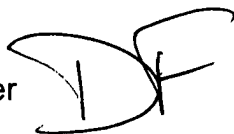
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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